

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: JENNIFER C. BECK, LPN :
f/k/a JENNIFER C. THOMAS :

License No. P009933, :

Licensee. :

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND
ORDER OF SUSPENSION**

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The South Dakota Board of Nursing's ("Board") hearing on the summary suspension of Jennifer C. Beck f/k/a Jennifer C. Thomas, LPN, license number P09933 ("Licensee") came on for hearing before the Board at its office in Sioux Falls, South Dakota, on November 17, 2016, at 1:00 p.m.

Licensee, having been served with the Order for Summary Suspension and Notice of Hearing and Affidavit of Francie Miller by a process server on September 27, 2016, did not appear in person to present evidence on her behalf or to confront witnesses. The Board appeared by and through its attorney, Kristine K. O'Connell.

The Board considered the evidentiary testimony of Francie Miller, Board Investigator. The Board also considered the Board's exhibits numbered 1 and 2 that were entered into evidence. The Board also considered the affidavit and other documents on file in this case and being charged with the statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

FINDINGS OF FACT

1. That Jennifer C. Beck f/k/a Jennifer C. Thomas is licensed to practice as a practical nurse in the State of South Dakota and holds license number P009933.
2. That on or about September 12, 2014, the Board received a complaint from the Licensee's then employer that the Licensee tested positive for alcohol while at work.
3. That on or about April 23, 2015, the Board mandated the Licensee into the Health Professionals Assistance Program ("HPAP").
4. The Licensee was compliant with HPAP until May 25, 2016, when she failed to attend the individual and group counseling meetings.
5. On June 9, 2016, the Licensee had a positive drug test, Etg/Ets.
6. Calls from HPAP to the Licensee and her employer were not returned.
7. That on June 28, 2016, the HPAP Evaluation Committee recommended discharge due to her non-compliance.
8. That the Board was notified of Licensee's unsuccessful discharge from HPAP.
9. That Board staff attempted to contact Licensee on numerous occasions, but were unable to make contact with the Licensee. The Licensee did not return any calls to Board staff.
10. A Voluntary Surrender Consent Order was sent to Licensee to consider, but there was no return of the document as of August 10, 2016.

From the foregoing findings of fact, the Board draws the following:

CONCLUSIONS OF LAW

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49
2. That the Licensee's conduct as identified in the findings of fact are in violation of SDCL §§ 36-9-49 (4), (5), (7) and (10).

THEREFORE, let an order be entered accordingly.


ORDER

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.
2. That the Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the term of this suspension is in violation of SDCL § 36-9-68.
4. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

Dated this 29th day of November, 2016.

SOUTH DAKOTA BOARD OF NURSING


Gloria Damgaard, RN, MS
Executive Director

The South Dakota Board of Nursing at its meeting on the 17th day of November, 2016, approved this Order of Suspension as written by a vote of 7-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 29th day of November, 2016.

SOUTH DAKOTA BOARD OF NURSING

A handwritten signature in cursive script that reads "Gloria Damgaard". The signature is written in black ink and is positioned above a horizontal line.

Gloria Damgaard, RN, MS
Executive Director